REMARKS

In the pending Office Communication, the Examiner has considered Applicant's amendments and arguments filed on March 30, 2009, with respect to claims 19-38, which the Examiner has determined are moot in view of the new ground(s) of rejection. More specifically, the Examiner rejects claims 19-38 under 35 U.S.C. §103(a) over Burgel (Pub. No. 20020157738) in view of Garcia (US Patent No. 4,140,555). The Examiner also rejects 19-31 and 35-38 under 35 U.S.C. §103(a) over Yoshinari (US Patent No. 5,611,670) in view of Garcia. In view of the above amendments to the independent claims 19, 23 and 38 and the foregoing remarks, Applicant respectfully requests that the Examiner withdraw the rejection of all the claims.

In each of the above-referenced rejections the Examiner argued that both primary references, Burgel and Yoshinari, disclose all the elements of the respective independent claims with the exception of the superalloy being precipitation strengthened by a "strength promoter" selected from the claimed group or claimed concentrations. The Examiner, for each rejection, then cites the secondary references, Garcia, as disclosing an oxidation resistant superalloy that is precipitation strengthened by Calcium (Ca). Accordingly, Applicant has amended each of the independent claims 19, 23 and 38 to remove from the group of strength promoters Calcium (Ca).

In addition, the Examiner's particular attention is directed to paragraph 0015 of the subject application which provides that tin (Sn) has proven to have good results in this context. In reference to paragraphs [0008] through [0010] there are cited references disclosing tin used, or not used, with alloys or superalloys. In paragraph 0008, US Patent No. 3,907,555 is cited as disclosing an alloy with tin at levels of 1.0 wt%, which far exceeds the claimed concentrations. In paragraph 0009, US Patent No. 4,708,848 is cited as disclosing tin as a constituent of a Ni-base alloy in amounts lower than the claimed concentrations indicating that the tin fraction is an undesirable impurity. In addition, US Patent 6,308,767, cited in paragraph [00010], discloses a method for producing directional structures from a superalloy in which a melt is cooled in another liquid metal. However, it is necessary to ensure that tin does not contaminate the superalloy, indicating tin is an undesirable constituent of the alloy.

With respect to the subject application, the Examiner's attention is also directed to paragraphs [00073] through [00088], and FIGS. 4 through 7, which excerpts and drawings refer

to low and high cycle fatigue tests results for superalloy samples containing $\leq$ 1 ppm tin compared samples containing up to 1100 ppm tin (Sn). As described, the superalloys containing higher concentrations of tin generally performed better that the samples containing less tin, which is contrary to the disclosure of the prior art cited by Applicant.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections and submits that the pending claims are in condition of allowance.

CONCLUSION

Reconsideration of the pending rejections and allowance of claims 19-38 are respectfully requested. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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